

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ARDELL JOSHUA SHAW
Plaintiff,

V.

KAREN BRUNSON *et al.*,
Defendants.

Case No. C08-5481BHS/JKA

ORDER DENYING PLAINTIFF'S
MOTION TO AMEND THE
COMPLAINT

This civil rights matter has been referred to Magistrate Judge J. Kelley Arnold pursuant to 28 U.S.C. § 636(b)(1), and Local Magistrate Judge's Rules MJR 3 and 4. Before the court is plaintiff's motion to amend the complaint. Plaintiff asks the court to allow him to drop the named defendants and instead name the State of Washington and the Department of Corrections as defendants.

While plaintiff brings the motion pursuant to Fed. Rule. Civil Procedure 15 (A), the defendants have answered the complaint and that section of Rule 15 is no longer applicable. Further, the parties plaintiff seeks to add to this action are immune from damages in Federal Court pursuant to the Eleventh Amendment. In addition, plaintiff has not provided a copy of the proposed amended complaint. The motion is **DENIED**.

The clerk's office is directed to send a copy of this order to plaintiff and remove Dkt. # 12 from the court's calendar.

DATED this 14 day of January, 2009.

/S/ J. Kelley Arnold
J. Kelley Arnold
United States Magistrate Judge